

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

&

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 30TH OCTOBER 2006 / 8TH KARTHIKA 1928

ITA.No. 2 of 2001()

ITA.285/COCH/1992 of I.T.A.TRIBUNAL,COCHIN BENCH
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APPELLANT:APPELLANT

SRI.P.R. PALPU, 'NIRMALAYAM", AYYANTHOLE, TRICHUR.

BY ADV. SRI.P.BALACHANDRAN

RESPONDENTS:

1. THE ASST. COMMISSIONER OF INCOME-TAX, CIRCLE I, TRICHUR.

2. THE COMMISSIONER OF INCOME TAX, TRICHUR.

BY ADV. SRI.P.K.R.MENON(SR.),SR.COUNSEL FOR IT
SRI.GEORGE K. GEORGE, SC FOR IT

THIS INCOME TAX APPEAL HAVING BEEN FINALLY HEARD
ON 30/10/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR &
K.M. JOSEPH, JJ.

I.T.A.NO. 2 OF 2001

Dated this the 30th day of October, 2006

JUDGMENT

Ramachandran Nair,J.

The question raised pertains to addition of Rs. 1 lakh sustained in petitioner's income-tax assessment for 1988-89. In fact original proposal was to disallow two credit entries for Rs. 1 lakh each seen in appellant's account. However, since the creditor confirmed one item, addition was limited to balance Rs. 1 lakh, which was the entry disowned by the creditor. Appellant's case is that creditor is deliberately disowning the transaction. We are unable to accept this contention because once creditor disowns the transaction, it is for the appellant to prove the same, which the appellant failed. In the circumstance, there is no scope for interference. Appeal is therefore dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge

(K.M. JOSEPH)
Judge.

